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Attorney for Plaintiff  
Darren Gilbert

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

vs.

7-ELEVEN, INC., et al.,

Defendants.

No. 2:21-cv-01984-WBS-KJN

**STIPULATION GRANTING PLAINTIFF  
LEAVE TO FILE FIRST AMENDED  
COMPLAINT; ORDER**

**WHEREAS**, Plaintiff, Darren Gilbert (“Plaintiff”), seeks to amend his complaint to allege additional access barriers which relate to his disability which were identified during the pendency of this action;

**WHEREAS**, the Ninth Circuit both urges and requires Plaintiff to identify in his complaint all barriers identified which relate to his disability. *Chapman v. Pier 1 Imports (U.S.) Inc.*, 631 F.3d 939, 944 (9th Cir. 2011); *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903, 909 (9th Cir. 2011);

**WHEREAS**, Plaintiff has not unduly delayed the amendment, does not bring it in bad faith, the amendment is not futile, and such amendment does not prejudice defendants 7-Eleven, Inc., Jatinder Brar dba 7-Eleven #23615, Jatinder Singh Brar dba 7-Eleven #23615, I-Chung Ho, Trustee of the Ho Living Trust dated October 26, 1991, Min-Ching Ho, Trustee of

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ORDER

the Ho Living Trust dated October 26, 1991, and Kathleen A. Ho (“Defendants”), nor does the amendment in any way change the nature of the action;

**NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff and Defendants, through their respective attorneys of record, that Plaintiff may file a First Amended Complaint, a copy of which is attached hereto as Exhibit “A.”

**IT IS FURTHER STIPULATED** that Plaintiff file his First Amended Complaint within five (5) calendar days of the Court’s Order permitting such filing, and that Defendants’ responses thereto shall be due as required by the Federal Rules of Civil Procedure.

**IT IS SO STIPULATED.**

Dated: August 8, 2022

MOORE LAW FIRM, P.C.

/s/ Tanya E. Moore

Tanya E. Moore  
Attorney for Plaintiff,  
Darren Gilbert

Dated: August 8, 2022

CALL & JENSEN  
A Professional Corporation

/s/ Michael S. Orr

Julie R. Trotter  
Michael S. Orr  
Attorneys for Defendants,  
7-Eleven, Inc., Jatinder Brar dba 7-Eleven #23615,  
Jatinder Singh Brar dba 7-Eleven #23615, I-Chung  
Ho, Trustee of the Ho Living Trust dated October  
26, 1991, Min-Ching Ho, Trustee of the Ho Living  
Trust dated October 26, 1991, and Kathleen A. Ho

**ATTESTATION**

Concurrence in the filing of this document has been obtained from each of the individual(s) whose electronic signature is attributed above.

/s/ Tanya E. Moore

Tanya E. Moore  
Attorney for Plaintiff,  
Darren Gilbert

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ORDER

**ORDER**


The Parties having so stipulated and good cause appearing,

**IT IS HEREBY ORDERED** that Plaintiff may file his First Amended Complaint, a copy of which was filed with the Parties' stipulation, within five (5) calendar days of the date this Order is filed.

**IT IS FURTHER ORDERED** that Defendants' response thereto shall be filed within the time required by the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

Dated: August 8, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE